
CHAPTER 6

WORKPLACE VIOLENCE

HOW TO DEAL WITH VIOLENCE IN THE WORKPLACE

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WORKPLACE VIOLENCE

THIS SPACE AVAILABLE FOR NOTES:

CHAPTER 6

WORKPLACE VIOLENCE

HOW TO DEAL WITH VIOLENCE IN THE WORKPLACE

6.00 INTRODUCTION

This chapter provides information about violence in the workplace. It explains how managers, supervisors, and employees are responsible for maintaining a safe and secure work environment by promoting work practices that have zero tolerance for violence, threats, harassment, and intimidation.

This chapter also discusses reporting, investigating, and documenting incidents of workplace violence, including incidents when an employee is a victim of a crime that may occur at a Caltrans worksite.

6.01 PURPOSE

The purpose of this chapter is to provide information about procedures, techniques, and strategies that can be used as a defense against violence in the workplace.

Workplace violence includes threats and/or acts of physical violence or verbal abuse by employees, visitors, or the public, or other signs of stress, strain, or abusive conduct that demonstrates recognizable signs of violent behavior.

6.02 POLICY STATEMENT

It is Caltrans policy to conduct business, provide services, and protect its employees and the public from harm by providing a safe and secure work environment that has zero tolerance for violence, threats, harassment, and intimidation.

6.03 TYPES OF WORKPLACE VIOLENCE

The three major types of workplace violence are:

TYPE I.

The perpetrator has no legitimate relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act. Examples of Type I events would involve liquor stores, gas stations, or a convenience food stores; businesses who handle cash late at night; clerks in hotels or motels, jewelry stores, toll collectors, or security guards.

TYPE II.

The perpetrator is either the recipient or the object of a service provided by the affected workplace or victim; e.g., the assailant is a current or former client, patient, customer, passenger, criminal suspect, or prisoner. These involve assaults on public safety and correctional personnel, municipal bus or railway drivers, health care and social service providers, sales personnel, receptionists, personnel offices, resident engineers, and other public or private service sector employees who provide professional, public safety, administrative, or business services to clients and the public.

TYPE III.

The perpetrator has an employment-related involvement with the workplace. A Type III event usually involves an assault or a threat of violence, or a physical act of violence resulting in a fatal or nonfatal injury, committed by a current or former employee, supervisor or manager; a current or former spouse or lover; a relative or friend; or some other person who has a dispute involving an employee in the workplace.

6.04 MAINTAIN A SAFE WORK ENVIRONMENT

Managers, supervisors, and employees are responsible for following proper work practices and for helping maintain a safe and secure work environment by:

- being considerate and respectful of co-workers, visitors, and the public; and,
- not engaging in any disruptive behavior which may include profanity, obscenities, obscene gestures, or exhibiting abusive conduct that demonstrates recognizable signs of violent behavior.

6.05 REPORTING WORKPLACE VIOLENCE

Whenever an actual or alleged act of workplace violence occurs, **the first person** who becomes aware of an accident/incident shall report the incident to a supervisor, the California Highway Patrol (CHP), building security guard, or building manager immediately.

- report inconsiderate and/or disrespectful behavior, including assaultive acts, assaultive talking, belligerent, intimidating, and threatening behavior by a manager, supervisor, or employee; and
- report suspicious behavior and suspicious actions, including theft, assaultive acts, assaultive talking, belligerent, intimidating, and threatening behavior by visitors or the public that may impact an employee, equipment, or facility.

SPECIAL NOTE:

Refer to Chapter 19- SPECIAL REPORTING OF SERIOUS INJURY, ILLNESS OR FATALITY, for information regarding notification procedures which can be used as a guide for reporting incidents of workplace violence at any worksite:

Chapter 19, explains:

- Chain-of-command reporting;
- Release of information, media, and family;
- Notification of family members;
- Personnel transactions research, workers' compensation benefits;
- Family visitation;
- Employee Assistance Program (EAP); and,
- Special actions for fatalities.

The **first person** aware of an incident shall take necessary precautions to ensure their safety and the safety of anyone who may be in danger.

After this is done, obtain sufficient preliminary information about the accident or incident so that the supervisor, building security guard, CHP, or building manager can be as well informed as possible during the early stages of the reporting procedures:

Obtain the following type of information:

- What happened;
- When and where the incident occurred;
- Name of the threat-maker and his/her relationship to Caltrans and the affected employee;
- Name(s) of victim(s) or potential victim(s);
- What happened immediately prior to the incident;
- The specific language of the threat;
- Any physical conduct that would substantiate an intention to follow through on the threat;
- How the threat-maker appeared (physical and emotional);
- Names of others who were directly involved and any actions they took;
- How the incident ended;
- Name(s) of witness(es);
- What happened to the threat-maker after the incident;
- What happened to the employee after the incident;
- Name of any supervisory staff involved and how they responded;
- What event triggered the incident;
- Any history leading up to the incident;

Report workplace violence where it occurs:

- Workplace violence which takes place on any Caltrans property, and
- Workplace violence at any location where Caltrans employees are engaged in a work-related activity.

Reportable events:

- Any threatened, attempted, or consummated act of violence against an employee, property, or facility must be reported.

Method of threat:

- In person.
- In writing.
- Over telephone.
- Via electronic communication.

Types of Reportable Incidents:

- An employee is struck by another person.
- An employee is struck with another object; such as, a stapler, ruler, a book, a door, a computer mouse.
- An employee is spit upon.
- An employee receives a bomb threat.
- An employee receives a threat involving the destruction of personal or state property.
- An employee feels threatened, harassed, or intimidated by a co-worker, visitor, the public.
- A person attempts to strike an employee, to throw an object at an employee, or to hold or restrain an employee's movements.
- A person writes a threat on a Departmental form; mails or delivers a threatening letter, postcard, or note - via electronic or paper.
- A person challenges an employee to a fist fight.
- A person engages in loud, disruptive behavior which may include profanity, obscenities, or obscene gestures.
- A person purposely damages an employee's vehicle while the employee's vehicle is parked in the state parking lot.
- A person purposely damages an employee's personal property; calculator, purse, shoes, clothing, flower pot.
- A person purposely damages an office wall, kicks the door and breaks the glass, or causes other damage to state property.

All incidents of verbal or written abuse must be reported when an employee feels threatened, provoked, or intimidated by the incident, or when the person making the statement or comment intends for their conduct to be perceived as a threat.

6.06 HOW TO PREVENT WORKPLACE VIOLENCE

The following items represent a variety of procedures and work practices that will help prevent workplace violence and promote a safe and secure work environment:

- Foster a supportive, harmonious work environment. Promote mutual respect, help reduce harassment and hostility in the workplace.
 - > This is best achieved by starting each day with a positive mind-set with your staff and co-workers.
- Educate managers, supervisors, and employees that they are to be aware of the warning signs of potential workplace violence.
 - > This is best achieved by all employees being alert to acts of violent behavior, such as verbal abuse, and/or physical threats, harassment, and intimidation.
- Communicate openly and give employees support and recognition.
 - > Talk to your employees; tell them what a good job they are doing.
- Control access to the workplace and freedom of movement within the workplace for recently discharged employees, or persons with a dispute with one of our employees.
 - > Managers and supervisors shall alert building security personnel, CHP, other supervisors, or building management personnel, of the name of person(s) who may qualify for access control.
- Managers and supervisors shall initiate appropriate counseling and/or corrective action whenever employees exhibit such behavior and follow progressive disciplinary procedures:
 - > Contact the Personnel Office for assistance:
 - counseling and verbal warning,
 - informal memorandum of warning, and/or
 - formal adverse action (suspension and/or termination).

6.07 KNOW THE WARNING SIGNS

There is no exact method to predict when an employee or other person will become violent. However, before violence occurs, one or more of the following signals may be displayed.

These warning signs do not mean that the individual will actually be violent, but in combination they should be a cause for concern. An employee may exhibit all or some of the following:

Erratic work patterns

Alternating periods of high and low productivity may indicate substance abuse or alcohol abuse. Monitor degrees of productivity to see if there is a pattern.

Substandard work relationships

Warning signs include: belligerent behavior, problem with authority figures, doesn't cooperate with others on work assignments, overreaction to criticism, mood swings, and/or verbal harassment of others.

Decline in productivity

Be aware of any employee with a satisfactory performance record in the past whose work performance suddenly changes or deteriorates.

Continual excuses and blame

Blames others for his/her problems. Inability to accept responsibility for even the most minor of errors.

Concentration problems

A troubled employee is usually distracted and often has difficulty recalling work instructions, project details, and/or deadline requirements.

Attendance problems

Excessive sick leave or tardiness, leaving work early, peculiar or improbable excuses for absences, higher absentee rate than other employees, and/or leaving the worksite without notice.

Safety and health issues

Ignores well-known safety and health policies, procedures, and work practices: is more accident-prone.

Careless health and hygiene

Marked deterioration in personal grooming habits is a warning sign of internal conflict.

Unusual or changed behavior

This can include emotional outbursts, physical violence such as hitting a wall or piece of equipment, inappropriate remarks or threats, and/or delusional statements (such as the end of the world, being spied on), demonstrating extreme, bizarre, and/or secretive behavior.

Evidence of possible drug or alcohol abuse

Employee may act secretly around his/her workspace, meet other employees or visitors in remote areas, or take long lunch periods.

Evidence of serious stress in the employee's personal life

Crying, excessive personal phone calls, bill collectors, recent separation, or death of loved one.

Depression

Demonstrates depressed behavior for long periods of time, appears depressed and stressed, has low energy, little enthusiasm, and expresses despair.

Fascination with guns and weapons

Talks frequently about guns and obsessed with the power of guns and weapons. May have a history of violence.

Threats

Sometimes employees will make statements that are easily recognizable threats. These are clear indicators that a violent act may follow. There are three types of threats:

- **direct threat:** "I'm going to get even for that."
- **veiled threat:** "I could shut this place down."
- **conditional threat:** "If I'm fired, they'll all pay."

Potentially violent employees may not always exhibit all of the signs. Do not stereotype employees. It is important not to make premature judgements about employee behavior. Sometimes employees may just have a bad day and may appear frustrated; that does not mean he/she will become violent.

6.08 DEALING WITH VIOLENT PEOPLE

As situations arise, managers, supervisors and employees should stop to evaluate incidents that may contribute, or appear to contribute, to acts of violence. Listen to and observe employees and visitors who may exhibit disruptive behavior including profanity, obscenities, or obscene gestures, or exhibit abusive conduct that demonstrates recognizable signs of violent behavior.

Use the following methods to defuse the situation:

- Talk the person who is exhibiting recognizable signs of violent behavior into calming down.
- Ask the person what you can do to help him or her.
- Make sure they know you understand their position by re-stating what it is they are upset about.
- Focus on the behavior and not the person.
- Stay calm, listen and watch how the person responds to you talking about the situation.
- Try to put some space between yourself and the perpetrator.
- Try to control your emotions.
- Empathize and sympathize with the person.
- Ignore sarcastic remarks and personal attacks.
- Don't argue with the person.
- Explain to the person things you can do to help.
- Don't accuse the person of wrong doing.
- Call for help when necessary.
- Call 911 if there is an immediate danger.

DO NOT:

- Try to outshout the other person.
- Make any aggressive movement.
- Argue with the other person.
- Risk your own safety.

6.09 EMPLOYEE CONDUCT AND DISCIPLINE

Managers and supervisors are responsible to enforce safety and health policies, procedures and work practices, and be aware of the penalties and levels of discipline for violating the Department's zero tolerance for violence in the workplace.

Managers and supervisors shall initiate appropriate corrective action, including termination from state service for employees who contribute to, or perpetuate workplace violence or violate workplace security requirements.

Managers and supervisors shall consistently monitor the actions of their staff, and whenever any incident relating to workplace violence occurs, it shall be dealt with immediately.

NOTE:

Managers and supervisors must recognize that, while behavioral and emotional problems associated with acts of workplace violence will justify corrective action, they often indicate the need for professional counseling as well.

Discuss the Employee Assistance Program (EAP), including self-referral, and/or make a management referral for employees who may need professional counseling services.

Contact the Headquarters or District Office of Safety and Health EAP coordinator for assistance.

6.10 MEDICAL TREATMENT AND MEDICAL FORMS

Managers and supervisors are responsible to ensure that first aid and medical supplies are readily available to provide temporary medical aid to injured employees.

Whenever an injury occurs, the supervisor's first obligation is to arrange for first aid or other medical treatment and/or prompt transportation to the nearest medical clinic or hospital.

Whenever an employee is injured at the workplace, injury/accident reports, medical treatment authorization, and workers' compensation benefit forms must be completed.

See Chapter 9 - FIRST AID AND EMERGENCY MEDICAL TREATMENT for details covering first aid care, transportation, and medical care, and Chapter 10 - REPORTING PERSONAL INJURIES AND ILLNESSES for details covering the reporting documents.

NOTE:

- **Eligibility for workers' compensation for employee(s) who is victim of a crime that occurred at place of employment**

Section 3553 of the Labor Code requires management to, “. . . give any employee who is a victim of a crime that occurred at the employee's place of employment written notice that (he or she) is eligible for workers' compensation for injuries, including psychiatric injuries, that may have resulted from the place of employment crime.”

The notice must be given, either personally or by first-class mail, within one working day of the place of employment crime or within one working day of the date the employer reasonably should have known of the crime.

Supervisors, with the assistance of the Headquarters or District Safety and Health Offices and the Workers' Compensation Case Managers, shall ensure that the affected employee is notified about this policy.

As a general rule, notification should be given to:

- 1) the injured employee(s),
- 2) the employee(s) directly involved, but uninjured; and
- 3) the employee(s) at the worksite.

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6.11 INVESTIGATE AND DOCUMENT INCIDENTS OF WORKPLACE VIOLENCE

All incidents of workplace violence shall be investigated and documented by the first-line supervisor. Second-line supervisors shall review the findings of the investigation and assist in resolving the problem(s).

An investigation of the incident should be made as soon as possible. A delay of only a few minutes may cause important information or evidence to be lost. When conducting an investigation, the information collected must be reliable, accurate, and have sufficient detail to make an informed decision.

Start the investigation with the incident scene. Reconstruct the events that led up to the incident. Get a list of witnesses. Where were they and what did they see or hear. Interview the employee directly involved.

The following information lists a variety of subject areas that should be considered in a workplace violence incident investigation:

- > **Work characteristics:**
What is the type of work activity and the size of the operation?
How many employees are involved? Too many, too few?
- > **Time factors:**
The time of day and how it relates to the shift - whether first hour or last, swing shift, straight eight, or rotating. The phase of the employee's work: performing work, rest period, lunch period, overtime, entering or leaving the work site, building, or office.
- > **Employee characteristics:**
What is the victim's age, health, sex, and work experience?
How often is the work activity repeated? How often has the employee engaged in such work? How much training and when was the last training?
- > **Characteristics of the task:**
The general task being performed (repairing a wing plow).
A specific activity (typing a budget report on a computer).
The posture and location of employee (walking into an elevator).
Working alone or with others (in an office, on a roadway).

The supervisor shall also:

- > Review the record for previous incidents,
- > Visit the scene of the incident as soon as possible,
- > Interview threatened or injured employees and witnesses,
- > Inquire about any previous reports of inappropriate behavior by the employee/perpetrator,
- > Attempt to determine the cause of the incident,
- > Take corrective action to prevent the incident from recurring, and
- > Record the findings and document the corrective action.

Do not change anything at the scene where the incident took place; and do not clean up, reset furniture, or touch any objects.

See Chapter 4 - ACCIDENT INVESTIGATIONS AND ANALYSIS for information about conducting, documenting, and analyzing incident/accident investigation scenes.

Chapter 4 provides two (2) accident investigation report forms.

6.12 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is an employee benefit to help employees resolve problems which may affect work performance through counseling and referral for employees and their families.

EAP is for employees who may show signs of struggling with a personal, a work-related problem, and for employees who may exhibit recognizable signs of violent behavior.

Supervisors should call the EAP coordinator whenever they need assistance in resolving an employee problem, and/or advice or guidance when planning a meeting with an employee to discuss performance problems.

An employee can obtain assistance through self-referral, informal referral by his/her supervisor, and/or formal supervisory referral to the EAP.

EAP counseling is available to those employees affected by traumatic incident at the workplace. Managers and supervisors are responsible for arranging this service by contacting the District or Headquarters Safety and Health Office.

Supervisors should ensure that employees are given a copy of the "Employee Assistance Program" pamphlet and have a copy of the Employee Assistance Program "Supervisor's Handbook."

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THIS SPACE AVAILABLE FOR NOTES: